

# ARNOLD & PORTER LLP

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## Fax Transmittal

July 25, 2006

RECIPIENT NAME(S)	RECIPIENT FAX NUMBER(S)	RECIPIENT TELEPHONE NUMBER(S)
Board of Patent Appeals and Interferences Attn: Dianne Maggard	(571) 273-0299	
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CLIENT/MATTER NUMBER	TIMEKEEPER NUMBER	NUMBER OF PAGE(S)
16517.144	5230	We are transmitting 3 page(s) (including this cover sheet)
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<b>MESSAGE</b>		

Re: Appeal No. 2006-0458; Conf. No. 6609;  
U.S. Patent Appln. Ser. No. 09/606,977 filed June 28, 2000  
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants  
Inventor: Joseph R. BYRUM  
Atty. Docket: 16517.144

Please see the attached Express Abandonment under 37 CFR § 1.138(a) for the above-identified application.

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**ARNOLD & PORTER LLP**

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July 25, 2006

**VIA FACSIMILE**

Board of Patent Appeals and Interferences  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Appeal No. 2006-0458  
Confirmation No. 6609

Re: U.S. Patent Application Serial No. 09/606,977 filed June 28, 2000  
Inventor: Joseph R. BYRUM  
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants  
Atty. Dkt.: 16517.144

Sir:

Transmitted herewith for appropriate action by the Board of Patent Appeals and Interferences is an Express Abandonment under 37 C.F.R. § 1.138(a).

Appellants do not believe any fees are due in conjunction with this filing. However, if any fees under 37 C.F.R. § 1.16 or § 1.17 are required in the present application, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docketing number 16517.144.

Sincerely,



David R. Marsh (Reg. No. 41,408)

Attachment

I hereby certify that this transmittal and the attached Express Abandonment under 37 C.F.R. § 1.138(a) are being facsimile transmitted to the BPAI (attention Dianne Maggard) via facsimile number 571-273-0299.

David R. Marsh (Reg. No. 41,408)

July 25, 2006  
Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Joseph R. BYRUM

Appln. No.: 09/606,977

Filed: June 28, 2000

For: Nucleic Acid Molecules and Other Molecules Associated with Plants

Confirmation No.: 6609

Art Unit: 1631

Examiner: M.P. Allen

Atty. Docket: 16517.144

**Express Abandonment Under 37 C.F.R. § 1.138(a)**

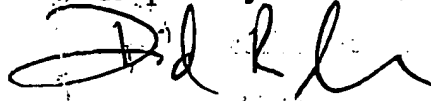
Mail Stop Express Abandonment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby expressly abandon U.S. Application Serial No. 09/606,977 under 37 C.F.R. § 1.138(a) in view of a continuing application filed on July 24, 2006.

Should the Commissioner require additional information, he is invited to contact the undersigned at the number provided below. The undersigned is an attorney of record and therefore has authority to expressly abandon the above-captioned U.S. application in favor of a continuing application filed on July 24, 2006.

Respectfully submitted,



Filed: July 25, 2006

David R. Marsh (Reg. No. 41,408)  
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555 Twelfth Street, N.W.  
Washington, DC 20004  
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I hereby certify that this transmittal and the attached Express Abandonment under 37 C.F.R. § 1.138(a) are being facsimile transmitted to the BPAI (attention Dianne Mangard) via facsimile number 571-273-0299.

  
David R. Marsh (Reg. No. 41,408)

July 25, 2006  
Date